IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

(2A) **WRIT PETITION NO. 1343 OF 2005**

Vishakha V. Khajane ... Petitioner

Versus

State of Maharashtra & Ors. ... Respondents

Mr. L.K. Tripathi for Petitioner.

Mr. Pradeep Jadhav, A.G.P. for R.Nos. 1 and 3.

Mr. SD.V. Chavan i/by Utangale & Co. for R. No. 2.

Mr.S.K. Jain for R. No. 4.

CORAM : F.I. REBELLO,J.
DATED : AUGUST 17, 2005

P.C.

. Rule. Heard forthwith.

. The Petitioner by the present petition has challenged the orders dated 2.4.2005 and 30.4.2005. The structure where the Petitioners are presently carrying out their business is subject matter of S.R.A. scheme. As the development of the scheme could not be proceeded with in the absence of the Petitioner removing the structure and as the Petitioner was not willing to shift, notice came to be issued to him. That was subject matter of challenge which has been rejected. On behalf of the Society, Mr. Sandesh Dighe, President has filed an affidavit. In Paragraph 7 of the

affidavit it is set out as under :

> "I say that the developer has handed over possession of the suit room to the society which is at present in the possession of society for the purpose/use of the Petitioner. "

. On behalf of the Society, the learned counsel points out that the room is in their possession and they are willing to hand it over. In fact such undertaking is contained in Paragraph 8 of the affidavit. The undertaking in Paragraph NO. 8 is accepted.

. The Petitioner to shift to the said room within 15 days from today. On failure to do so, respondent No. 3 to take action to remove the structure which is presently in the occupation of the Petitioner. Rule made absolute accordingly.

No order as to costs.

(F.I. REBELLO,J.)